

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.32879 of 2008

RAM KARAN RAI SON OF LATE RAJO RAI,
RESIDENT OF VILLAGE- AMBLIPUR DHAMAUN,
P.S. SAHPUR PATORI, DISTRICT- SAMASTIPUR

Versus

STATE OF BIHAR

2 **15.10.2008** Heard learned counsels for the petitioner and the State.

Petitioner is an accused for the offence under section 7 of the Essential Commodities Act.

It is submitted that the petitioner is a public distribution system dealer, however he has been implicated in this case without any valid justification. It

is further submitted that the drum in question which was seized did not belong to the petitioner. It is further contended that the concerned Sub-Divisional Officer should have called upon the petitioner as also another dealer to explain their stand since the name of the petitioner and C.C.Store were written over the drum in question. Petitioner denied his involvement, and as such, the Sub-Divisional Officer directed for enquiry which was

conducted by the Supply Officer, who submitted the report indicating that the petitioner is not involved in the alleged offence. It is also contended that since the power to confiscate and sell the drum containing the material lies with the Collector, and as such, the Sub-divisional

Officer directed that let a case be lodged against unknown. It is further submitted that the petitioner apprehends his arrest in this case as stated in paragraph 8 of the petition.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of four weeks from today, the petitioner, namely, Ram Karan Rai be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur, in connection with Pator P.S. Case No. 12 of 2004 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

Manish/-

(Shailesh Kumar Sinha,J.)

